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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, v. ALLISON MARIE BAVER, Defendant.	MOTION TO CONTINUE JURY TRIAL Case No. 2:21-cr-00520 District Judge Jill N. Parrish
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Defendant, Allison Marie Bayer (“Ms. Bayer”), by and through undersigned counsel, moves to continue the trial date currently set for February 6, 2023.

An Indictment was issued on December 15, 2021. Defendant first appeared before a judicial officer of the court on January 18, 2022. Trial was originally set for March 28, 2022. Ms. Bayer’s former counsel filed two motions to continue the jury trial on February 11, 2022, and September 9, 2022. This Court granted both motions and excluded all time under the Speedy Trial Act until the current trial setting of February 6, 2023.

On December 6, 2022, Magistrate Judge Romero granted Ms. Bayer's former counsel's motion to withdraw and appointed the Office of the Federal Public Defender. Kristen R. Angelos and Robert K. Hunt have been assigned to represent Ms. Bayer.

Defendant seeks a continuance under 18 U.S.C. §3161(h)(7)(B)(iv). Defendant alleges that the continuance is necessary because not granting the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The following factual assertions support defendant's request:

- 1) The current trial order and trial dates were set prior to new counsel being appointed. Defense counsel was appointed on this matter December 6, 2022. Counsel did not receive the discovery until the following week. Additionally, on December 16, 2022, after an initial review of discovery provided by Ms. Bayer's prior counsel, defense counsel requested the Government send all discovery (all NOCS) through USAfx because defense counsel noticed when reviewing discovery that it had been placed in new folders such that the index provided by the Government did not match where items should have been located. As of the filing of this motion, defense counsel has not reviewed all discovery.
- 2) During the December 6, 2022, appointment hearing, defense counsel informed Magistrate Judge Romero that if the Court appointed defense counsel, we would not be ready to proceed on the current trial setting because of our caseload and other cases already being set for trial with clients who have been with our office for over a year. It is defense counsel's understanding that Ms. Bayer informed the Court that she did not wish to move the current trial setting. Notwithstanding, Judge Romero appointed defense counsel.

- 3) Defense counsel was appointed in December, right before the holiday season. Robb Hunt will be out of the office from December 22, 2022 – January 3, 2023. David Park, lead investigator, will be out of the office December 21, 2022 – January 3, 2023, and January 15, 2023-January 22, 2023, for a prior planned family vacation. Kris Angelos, lead counsel, will also be taking time off between December 23, 2022- January 3, 2023. Additionally, Ms. Angelos will be in Tribal Community Reentry Court in Moab/Aneth on January 4-7, 2022 and on leave from January 10, 2023 – January 16, 2023, to care for a family member having surgery. Ms. Angelos will also be on vacation for a previously planned trip between April 23, 2023-May 3, 2023. Robb Hunt, Kris Angelos, and Dave Park, have trial on another matter beginning May 22, 2023 – May 26, 2023.
- 4) Because defense counsel is currently going through discovery, no witnesses relevant to this case have been interviewed. It appears that some of these witnesses may reside in a different state. Accordingly, defense counsel is unable to provide any witness list in preparation for trial at this time.
- 5) Because defense counsel is currently going through discovery, no experts have been hired. Accordingly, defense counsel is unable to provide the court any notice of expert in preparation for trial.
- 6) Defense counsel needs time to review discovery thoroughly, interview witnesses, hire experts. As such, defense counsel is requesting a continuance of six months with a trial setting in June.

7) Prior retained counsel had this case for a significant period of time before the trial setting. As such, prior counsel was able to establish a relationship with Ms. Bayer. At this juncture, counsel has not established a relationship yet with Ms. Bayer such that Ms. Bayer trusts defense counsel. As such, a determination of whether to recommend trial or engage in any plea negotiations cannot be addressed at this time. Additionally, as noted previously, defense counsel has not reviewed the entirety of the discovery.

The defendant has been notified of the requested continuance. ☐ YES ☒ NO

Opposing counsel agrees with the requested continuance. ☒ YES ☐ NO

Defendant requests a continuance of 180 days. Because the proposed 180-day continuance will allow Ms. Bayer the necessary time to complete the above, the ends of justice are best served by a continuance of the trial date, and the ends of justice outweigh the interest of the public and Ms. Bayer in a speedy trial.

DATED this 21st day of December, 2022.

/s/ Kristen R. Angelos
KRISTEN R. ANGELOS
Assistant Federal Public Defender

/s/ Robert K. Hunt
ROBERT K. HUNT
Assistant Federal Public Defender